

**REMARKS**

**Summary of the Office Action**

The drawings are objected to for allegedly failing to comply with 37 CFR 1.84(p)(5) because they do not include particular reference signs mentioned in the description.

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 825 737 A1 to Higuchi et al. (hereinafter "Higuchi").

**Summary of the Response to the Office Action**

Applicants have amended the specification in response to the Office Action's objection to the drawings for not including particular reference signs mentioned in the specification.

Applicants have amended claims 1 and 4 to include the limitations of original claims 2 and 5, respectively. Accordingly, claims 2 and 5 have been canceled without prejudice or disclaimer. Accordingly, claims 1, 3, 4 and 6 remain pending for consideration.

**Objection to the Drawings**

The drawings are objected to for allegedly failing to comply with 37 CFR 1.84(p)(5) because they do not include particular reference signs mentioned in the description. In particular, the Office Action points out that the following reference characters are mentioned in the description but are not included in the drawings: reference character "13" in line 17 of page 12 and reference character "S101" in line 17 of page 22. Moreover, the Office Action objects to the drawings because Fig. 6 includes reference character "S102" which is not mentioned in the description.

In response to these drawing objections, Applicants have opted to leave the drawings in their current form and to amend the specification at page 12, line 17 to change "comparator 13" to --comparator 13a-- to be consistent with the originally-filed drawings. Moreover, Applicants have amended the specification at page 22, line 17 to change "(step S101)" to --(step S102)-- to also be consistent with the originally filed drawings. Accordingly, Applicants respectfully request that the objections to the drawings be withdrawn in light of these changes.

**The Rejections under 35 U.S.C. § 102(b)**

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Higuchi. Applicants has amended claims 1 and 4 to include the limitations of original claims 2 and 5, respectively. Accordingly, claims 2 and 5 have been canceled without prejudice or disclaimer. Applicants respectfully traverse the rejection against the currently pending claims for at least the following reasons.

The Office Action alleges that Higuchi teaches all of the limitations of claims 1-6, including original independent claims 1 and 4. Applicants respectfully submit that Higuchi discloses a signal transmitting method, transmitter, receiver, and spread-spectrum code synchronizing method for a mobile communication system. A direct sequence code division multiple access (DS-CDMA) scheme is applied to the mobile communication system to carry out multiple accessing using a direct sequence.

Applicants respectfully submit that the instant application involves a communicating apparatus and a communicating method which performs synchronization capturing at a high accuracy even when using a memory unit having a relatively small memory capacity when

compared to related art arrangements. This high accuracy is still able to be obtained, despite the reduced memory capacity, because the instant application's disclosure involves calculating each accumulated additional value  $P(i)$  by extracting only the correlation value  $P_i$  greater than the threshold value THD and also packing and storing the accumulated additional values into the main memory unit MM in association with each point  $i$ .

Applicants submit that this feature was recited in original dependent claims 2 and 5 of the instant application, for example. The Office Action alleges at page 5, lines 1-5 that Higuchi teaches that the detecting device "detects the division signal out of the received down link signal when the calculated correlation exceeds a predetermined threshold value," as recited in dependent claims 2 and 5. It appears that the Office Action is relying on col. 26, lines 5-21 of Higuchi as allegedly teaching for this particular feature.

Applicants respectfully traverse this interpretation of Higuchi in that while the cited portion does teach a "threshold value decision circuit 60" as being shown in Fig. 19B, this decision circuit 60 makes a threshold determination of the relative power obtained as the addition result, and decides whether the synchronization has been established or not. However, Applicants respectfully submit that Higuchi does not teach or suggest using this threshold value determination as being a comparison of "a correlation between a signal correlated with the division signal and the received down link signal" as recited in original claims 2 and 5.

Moreover, Higuchi does not appear to teach or suggest detecting the division signal out of the received down link signal as a result of the threshold determination of the decision circuit 60. In light of these distinctions, Applicants have opted to add the limitations of original

dependent claims 2 and 5 to their respective independent claims 1 and 4. Accordingly, original dependent claims 2 and 5 have been canceled without prejudice or disclaimer.

Applicants note that because the arrangements and methodologies of the instant application detect the division signal out of the received down link signal only when a correlation value becomes larger than the above-discussed threshold, as recited in newly-amended independent claims 1 and 4, it is possible to drastically reduce the required storage capacity of a memory provided to store the detected division signal in the event that the detected division signal is stored in the memory.

Accordingly, Applicants respectfully submit that Higuchi does not teach, or even suggest, each limitation of independent claims 1 and 4, as newly amended including at least the limitations of a detecting device/process that calculates a correlation between a signal correlated with the division signal and the received down link signal, and that detects the division signal out of the received down link signal when the calculated correlation exceeds a predetermined threshold value.

Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Higuchi does not teach or suggest each feature of independent claims 1 and 4, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that dependent claims 3 and 6 are allowable

at least because of their dependence from independent claims 1 or 4, as amended, and the reasons set forth above.

**Conclusion**

In view of the foregoing, Applicants respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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